



City of Duluth
Planning Division

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MEMORANDUM

DATE: May 8, 2013
TO: Duluth City Planning Commission
FROM: Charles Froseth, Land Use Supervisor
SUBJECT: Environmental Assessment Worksheet (EAW) for CN Duluth Dock 6 (PL 13-048)

The purpose of this memo is to provide background and staff recommendation regarding Planning Commission action on the CD Duluth Dock 6 EAW.

The 30-day public comment period for the EAW was from March 18, 2013 to April 17, 2013. As of the date of this memo, a total of **6 comments** were received during the public comment period: Duluth Seaway Port Authority (April 15), MPCA (April 15), Saint Louis River Alliance (April 16), MDNR (April 17), US Steel Corporation (April 17), and APEX (April 17). The comments are attached to this memo, as are the responses from the project proposer.

On the May 14, 2013 agenda, the Planning Commission, as the Responsible Governmental Unit (RGU), is to make a determination on the need for an Environmental Impact Statement (EIS).

Summary:

The proposed project includes filling 24.3 acres of St. Louis Bay with 288,400 cubic yards of fill to provide additional space for materials storage; stormwater collection and management for the facility; and stabilization of Dock 6 with sheetpile, all of which will increase the efficiency and capacity of the facility.

EAW:

The EAW was provided to the Commissioners as part of their April 9, 2013 Planning Commission packet, for the optional public hearing. The EQB document, "Preparing Environmental Assessment Worksheets," provides guidance in the Commission's determination as to whether an EIS is needed. It notes "The purpose of the EAW, comments and comment responses is to provide the record on which the RGU can base a decision about whether an EIS needs to be prepared for a project. EIS need is described in the rules: An EIS shall be ordered for projects that have the potential for significant environmental effects." The attached also notes four criteria which state;

"In deciding whether a project has the potential for significant environmental effects, the RGU shall compare the impacts that may reasonably be expected to occur from the project with the criteria in this rule, considering the following factors (part 4410.1700, subparts 6 and 7):

- A. Type, extent, and reversibility of environmental effects;
- B. Cumulative potential effects of related or anticipated future projects;

- C. The extent to which environmental effects are subject to mitigation by ongoing public regulatory authority; and
- D. The extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other Environmental Impact Statements."

Timeline:

The public comment period for this EAW started on March 18, 2013 and ended April 17, 2013. The RGU has 3 to 30 working days to decide if the project needs an Environmental Impact Statement (EIS), prepare the findings of fact and respond to comments.

Timeline

March 11, 2013	News Release submitted to the Duluth News Tribune and city's web page.
March 12, 2013	Copies of the EAW distributed to EQB's Official List
March 18, 2013	Notice of EAW published in the EQB Monitor - start of the 30 day comment period
April 17, 2013	End of the 30 day comment period
April 9, 2013	Planning Commission heard public comments (optional)
May 14, 2013	Planning Commission makes a determination on the need for an EIS

Recommendation:

Based on the Environmental Assessment Worksheet, the Findings of Fact and Record of Decision, and related documentation for this project, Staff recommends that the Planning Commission makes a Negative Declaration and does not require the development of an Environmental Impact Statement (EIS) for this project.

Draft Findings

DRAFT FINDINGS OF FACT AND RECORD OF DECISION
ENVIRONMENTAL ASSESSMENT WORKSHEET

For the CN Duluth Dock 6

Responsible Governmental Unit: City of Duluth

Contact Person:

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I. ENVIRONMENTAL REVIEW AND RECORD OF DECISION

The City of Duluth prepared a mandatory Environmental Assessment Worksheet (EAW) according to the Environmental Review Rules of the Minnesota Environmental Quality Board (EQB) under Rule 4410.4300.

The proposed project includes filling 24.3 acres of St. Louis Bay with 288,400 cubic yards of fill to provide additional space for materials storage; stormwater collection and management for the facility; and stabilization of Dock 6 with sheetpile, all of which will increase the efficiency and capacity of the facility.

II. EAW NOTIFICATION AND DISTRIBUTION

On March 12, 2013, the City distributed the EAW to the official EQB mailing list. The comment period started March 18 and ended at 4:30 PM on April 17, 2013.

III. COMMENT PERIOD, PUBLIC MEETING, AND RECORD OF DECISION

The Planning Commission of the Duluth City Council considered the EAW during its April 9, 2013, and May 14, 2013 regular meetings. Notification of the dates of these public meeting was included with the EAW mailing to the EAW Distribution List.

IV. SUBSTANTIVE COMMENTS RECEIVED AND RESPONSES TO THESE COMMENTS

A total of six comments were received (in order of date of receipt)

- 1 Duluth Seaway Port Authority (April 15),
- 2 MPCA (April 15),
- 3 Saint Louis River Alliance (April 16),
- 4 MDNR (April 17),
- 5 US Steel Corporation (April 17),
- 6 APEX (April 17).

The following section provides a summary of these comments and responses to them. Comment letters are available for review in Enclosure B.

1. Duluth Seaway Port Authority dated April 14, 2013

Comment: Letter of support.

Response: No response needed.

2. Minnesota Pollution Control Agency dated April 15, 2013

Comment: 5 questions/comments: Permits and Approvals (item 8), and Physical Impacts on Water Resources (item 12).

Response: See attached response letter from Krech Ojard received May 6, 2013.

3. Saint Louis River Alliance dated April 16, 2013

Comment: Strongly encourages that mitigation be required to compensate for loss of open water habitat.

Response: No response needed.

4. Minnesota Department of Natural Resources dated April 17, 2013

Comment: 33 questions/comments: General Comments Overall and on Ownership, Project Description (item 6), Permits and Approvals (item 8), Land Use (item 9), Cover Types (item 10), Fish, Wildlife, and Ecologically Sensitive Resources (item 11), and Physical Impacts on Water Resources (item 12), Water Use (Item 13), Erosion and Sedimentation (Item 16), Geologic Hazards and Soil Conditions (Item 19), and Cumulative Potential Effects (Item 29). Note that the DNR letter concludes by suggesting that an EIS may be a good tool for addressing some of the issues/questions raised.

Response: See attached response letter from Krech Ojard received May 6, 2013.

5. US Steel dated April 17, 2013

Comment: Letter of support.

Response: No response needed.

6. APEX April 17, 2013

Comment: Letter of support (email).

Response: No response needed.

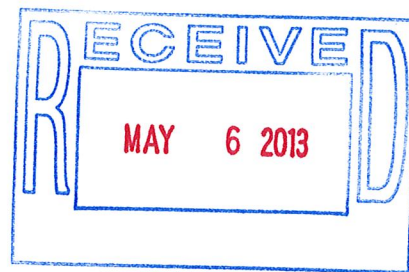
V. DRAFT DECISION ON THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT

Based on the Environmental Assessment Worksheet, comments received during the comment period, and responses to the questions raised and issue identified, the Planning Division recommends that the Duluth City Planning Commission, the responsible governmental unit (RGU) for this environmental review, concludes the following:

1. The Environmental Assessment Worksheet, this "Findings of Fact and Record of Decision" document, and related documentation for the project that were prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minn. Rules, Parts 4410.1000 to 4410.1700.
2. The Environmental Assessment Worksheet, this "Findings of Fact and Record of Decision" document, and related documentation for the project have satisfactorily addressed all of the issues for which existing information could have been reasonably obtained.
3. The project does not have the potential for significant environmental effects based upon the above findings and the evaluation of the following four criteria (per Minn. Rules, Parts 4410.1700 Subp. 7):
 - Type, extent, and reversibility of environmental effects.
 - Cumulative effects of related or anticipated future projects.

- Extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority.
 - Extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the project proposer, or of environmental reviews previously prepared on similar projects.
4. The finding by the City that the EAW is adequate and no EIS is required provides no endorsement, approval or right to develop the proposal by the City and cannot be relied upon as an indication of such approval.

Consequently, the City makes a Negative Declaration and does not require the development of an Environmental Impact Statement (EIS) for this project. Note that this decision has no impact on the question of ownership and the Public Trust Doctrine raised by the Minnesota Department of Natural Resources.



May 8, 2013

Mr. Charles Froseth
Land Use Supervisor
City of Duluth
411 W. 1st Street, Room 208
Duluth, MN 55802

**Re: CN Dock 6 Stabilization and Materials Stockpile Expansion
Response to Comments Obtained During EAW Public Comment Period
111096.04**

Dear Mr. Froseth:

This letter is to provide our response to comments obtained during the comment period for the EAW for CN Dock 6, Stabilization and Materials Stockpile Expansion project. The comments received will be very helpful as the CN continues the planning, alternatives comparisons, design, and mitigation planning for the complete project. The project will not cause a significant environmental impact. Again, alternatives to the extents of filling required or alternate methods of meeting the project needs will continue to be evaluated through the permit process with the Minnesota DNR and Army Corps of Engineers. The next steps required include development of the stormwater treatment and collection system, development of site plans including wall design, finalized grading plan with related BMP's, development of a project SWPPP, and development of the completed mitigation plan. These steps will require substantial coordination with regulatory agencies, the St. Louis River Alliance, and related entities responsible for approving permits.

The existing facility currently employs 65 full time employees. Phase I will add 30 to 35. The complete planned expansion will add 55 to 60, bringing the total to 125. The impact of additional revenue due to volume of materials handled will be great. The following are our formal response to comments received during the comment period:

Letter dated April 15, 2013, from Minnesota Pollution Control Agency

Permits and Approvals (Item B)

The table in this section of the EAW does not include the Individual NPDES/SDS permit that will need to be modified, most likely to a major, before the project can discharge treated stormwater. Section 17 of the EAW does discuss the modification that will be sought.

The Individual NPDES/SDS permit modification should be included in Item 8, with the status described as "To be modified".

Physical Impacts on Water Resources (Item 12)

The EAW states that each phase will include the installation of a retaining wall along the outer limits of the proposed fill areas. Please clarify whether a retaining wall will be constructed at the southern end of Phase I and describe what constitutes a “retaining wall”.

The identified Phase I limits are to delineate the maximum extent of fill required to begin the Phase I site development. Filling will continue to the Phase II limits without a planned abrupt stop. The Phase II limits shall be delineated with a retaining wall structure to provide support of a dock face. This wall shall be structurally sufficient to withstand the action of wind, waves, currents, ice and water level fluctuations. The wall will be a sheetpile wall with or without riprap.

How will the existing water from Half Moon Bay be managed once the retaining walls are constructed and the fill is placed in this area, displacing the water? MPCA staff is concerned that the filling activities will cause sediment suspension in the water column and have the potential to violate water quality standards. Please clarify the manner in which this water will be managed for each phase of project construction.

The filling lakeward from the existing land mass will continue steadily until the Phase II limit is reached. Construction best management practices shall be incorporated including silt curtains and temporary sheeting as needed to contain turbid waters until settled, allowing release or mixing of the waters. BMP's shall not be removed, until fill is stabilized. All applicable laws and regulations shall be followed to prevent illicit discharges to the Waters of the State. All pollution prevention measures to be administered during and after construction and shall be incorporated into the projects construction SWPPP. Monitoring of construction activities will be ongoing and changes incorporated, as needed to ensure minimal impact to adjacent waters.

The EAW states that no specific mitigation plan has been prepared to address the loss of deep water habitat or open water fresh water wetlands. It is MPCA's position that compensatory mitigation for the proposed impacts to wetland and deep water habitats should be achieved within the St. Louis River Estuary and that adequate opportunities exist within the Estuary to achieve mitigation requirements. However, there is also a concern that simply funding a portion of a project (or projects) that are already in some stage of planning and development doesn't satisfy the intent of compensatory mitigation since these projects have been planned to occur without funding from the proposed Trust or Escrow Account. For example, the EAW identifies the 21st Avenue West Channel Embayment project as potential mitigation. However, this project has to demonstrate that the activities are not simply paying (supplanting) money for restoration activities that were already planned to occur. Also, depending upon the funding sources for the restoration projects, there may be restrictions or prohibitions on utilizing restoration funding projects to satisfy regulatory mitigation requirements.

The mitigation plan shall provide for mitigation according to all applicable laws regarding compensatory mitigation. Preference is for mitigation near the project site. The project proposer will continue to work with regulatory agencies and concerned interest groups to establish a mitigation plan that will appropriately compensate for the impacts according to established laws and guidelines and to match types of habitat taken within the estuary is the primary consideration.

The St. Louis River Area of Concern is concerned about the long-term maintenance and operation of stockpiles that have the potential for degrading water quality. Please note that stormwater best management practices (BMP) designs should take into consideration extreme storm events considering climate change and its proximity to the Estuary.

A modified NPDES/SDS permit will be implemented which considers the expanded stockpiles and runoff from additional surface areas and captures and treats runoff to applicable standards prior to discharge. The system shall be designed to account for extreme events to prevent illicit discharges. The MPCA, City of Duluth, Army Corps of Engineers, and the Minnesota DNR will provide review of all reports and plans as they are developed and finalized. The proposed system will be an improvement from the existing method of stormwater handling.

Letter date April 17, 2013, from Minnesota Department of Natural Resources

General Comment Overall

The DNR has consistently communicated during early coordination efforts and also through the initial permit application submittal the need to provide supporting information and detail sufficient for DNR related permit decision making. To meet the purposes of the EAW document it is important to disclose information about environmental effects and ways to minimize and avoid them and to integrate into the permitting processes. More description of alternatives and supporting information is necessary to clearly understand the impacts, proposed mitigation and need for the proposed project.

The EAW serves as an aide in determining potential impacts. Further project analysis including alternatives considered, potential impacts, and mitigation for impacts is ongoing and will continue to be reviewed during the permit process. Continued agency coordination will be ongoing throughout the permit review process of the project. The information gathered and comments received will be incorporated as the permit process continues.

General Comment, Ownership

The State of Minnesota owns all submerged lands in the Minnesota portion of the Duluth-Superior Harbor below the ordinary low water mark. The state owns beds of navigable waters beyond the low water mark in trust for the people of the State of Minnesota for public uses. In the case where private parties have placed fill below the Ordinary High Water Level extending onto the beds of navigable waters, the state maintains ownership of the submerged lands as it continues to have an interest in the public rights to use the submerged lands.

The use of municipal parcel data or tax assessor records in determining ownership of the beds of navigable waters is not a legitimate method. The state was granted ownership of lands below the ordinary low water mark at the time of statehood. The Public Trust Doctrine prevents land from being transferred or sold to other parties. Clarification of ownership needs to be determined for both within the bed of public water and future upland if later controlled by CN.

According to the Duluth Port Land Use Plan, "The City of Duluth regulates the use of all lands within the City, including waterfront lands that are submerged. Within the City of Duluth Zoning Regulations, Chapter 50 establishes a Waterfront District W-1 which includes this industrial waterfront property. Allowable uses in the district are those that depend on water transportation or navigation purposes. It is the opinion of the CN that the upland area encompassed by this project is owned. The submerged land between the previous fill and the harbor line is being investigated. The original project was permitted under Public Act and those project limits are being researched.

Section 6, Project Description

Under the Project Description section, the stated intent of the proposed improvements is to stabilize the dock and expand the materials stockpile area to accommodate material handling requirements. It would be beneficial to provide more supporting detail regarding the handling and the associated expanded surface area requirements. For example, under the section entitled "additional stockpile space", it indicates that the existing footprint can accommodate the existing throughput, but the site constraints limit the facility from meeting projected demand. Please indicate the demand with supporting references, including information related to the economic complexity of the proposed expansion. The project description section could also be improved by providing supporting information on local and international demand for product. It would be helpful to provide a relationship between the area (acres) necessary to accommodate current and projects future storage rather than simply identifying the storage based on tonnage. This would help to illustrate the necessity for a 24.3 acre expanded surface area.

The site is currently undersized in relation to current demand for all products. Expanded opportunities with existing pellet production and proposed new pellet production in addition to new products as a result of technological advances such as DRI (Direct-Reduced Iron) are driving this need for additional footprint. The economic complexity in evaluating the rationale behind expansion at this site or others within the CN system is market driven and dependent on the proximity of the raw materials source to the bulk loading facility. The necessary infrastructure between the two is in place and well maintained and can handle the additional throughput. Specific per ton costs and internal valuation are proprietary and could put the CN at a disadvantage in negotiating to win all or a portion of the potential market.

Table 1 indicates that the current storage capacity for limestone (in MTons) is zero. It is understood from earlier project narrative that the site currently supports storage of limestone. This statement makes it unclear to the project reviewer as to what the current and proposed expansion needs are based on.

The table states no existing storage capacity of limestone due to the limited stockpile capacity on the site as it exists. The current stockpile storage area is accounted for in existing contracts. The applicant has been forced to find additional temporary stockpile area to meet current demand.

It is explained that a new facility is needed to ensure treatment of stormwater into the future, but the supporting information sufficient to understand the expanded surface area relationship requirements for design are lacking. It is understood that site stormwater management has not yet been studied. Without some study the applicant cannot demonstrate the need for related increased capacity.

A stormwater treatment study is underway to identify runoff quantity, quality, and the optimal treatment mechanisms for the project. Once the study is approved, system design will commence to meet the goals identified in the study. Regulatory involvement will be intensive through the permitting process in the review of proposed runoff calculations, collection, treatment, and design. Fluctuations of runoff events and proposed water quality goals will be evaluated and incorporated into the design. All applicable laws and regulations will be followed in the design and handling of stormwater from the site. The site currently operates under a SDS/NPDES permit and the proposed project will require a modification of the permit to incorporate site changes including stormwater handling modifications. The SWPPP for the site will contain detailed BMP's to be implemented with operations, monitoring, and maintenance methods described in detail.

Schedule

The project anticipated start date is early summer 2013. It is important to note that without additional detail it seems this schedule will be difficult to attain. CN has submitted an application for work in the bed of public waters of the state. The permit application review process generally takes 45 to 150 days after the receipt of information necessary for the review and processing of an application.

The EAW process has provided valuable guidance to the CN in relation to potential impacts of the proposed project. This will enable the CN to continue the project planning and identification of mitigation measures best suited for the impacts. Substantial work and time is expected to be invested prior to issuance of permits. The CN will provide all information relevant to the agencies to assist their decision of granting a permit. Information gathering on both sides will be ongoing. Upon receipt of a completed application, 45 days of review seems reasonable due to your familiarity of the project scope, location and the potential impacts.

Item d. Future Stages of Development. Are there related railway delivery needs or improvements planned? Is property needed for future improvements already under ownership by CN, or would acquisition need to happen in the future? Would railway infrastructure development result in future cumulative impacts?

There are no known plans to acquire or expand delivery rail service in the future. On-site rail improvements and expansions will be required. No future cumulative impacts are anticipated from this construction.

Section 8, Permit Approvals

The DNR has previously completed review of the proposed project that is the subject of the above referenced EAW document through a COE Public Notice (DNR Letter, November 21, 2012) and the DNR permit application submittal for work in the bed of public waters (DNR Letter, January 9, 2012).

It is mentioned that CN has been working to refine both scope and project alternatives in addition to identifying mitigation in response to comments received by MNDNR and others in response to the USACE 30-day notice. However, the information provided in the EAW document does not provide the substantive content the Department has indicated is necessary for decision making. It is important to emphasize this especially with respect to project alternatives discussion. In a letter dated January 9, 2013, the DNR indicated that the permit application submittal was considered incomplete.

The Department has also emphasized this point to CN in our response letter to the USACE permit application 30-day public notice; indicating the proposed physical impact to DNR public waters is substantial in terms of habitat and mentioning that the Multi-agency process to delist the St. Louis Estuary as a Great Lakes Area of concern has identified targets to be reached for the protection and restoration of fish and wildlife habitat in the Estuary.

The project proposer has appreciated the input from regulatory agencies in formulation of the project. The EAW process identified potential impacts that were not previously identified or known to the project proposer. The project proposer will continue to refine the need along with alternatives to meet that need. This can be accomplished through the permit process within the DNR. All effort will be made to complete the application and meet the expectations of the DNR for a completed application. The project proposer will continue to formulate the mitigation plan that appropriately compensates for the impact to the habitat values lost due to the project. Agencies will continue to be involved, along with the additional stakeholders identified through public comment.

MN Rules, part 6115.0190 guides DNR in making decisions on filling into public waters. The placement of fill to create upland is prohibited unless the Commissioner has approved the development as part of a Comprehensive Port Development Plan.

Land use for the facility is identified as a Maritime facility with approval of this through a Memorandum of Understanding in the Duluth Comprehensive Port Development Plan of 1992 which binds the City of Duluth, Duluth Seaway Port Authority, and Minnesota Department of Natural Resources to set forth procedures for ensuring preservation of natural areas, disposal of dredged materials in designated disposal sites, and conservation of harbor lands suitable for maritime industrial development. The MOU also describes a forum for joint discussion and formal comments on land use development issues in and adjacent to the St. Louis River and Estuary. The City of Duluth and the Duluth Seaway Port Authority have submitted letters of support for the project.

The Duluth Metropolitan Interstate Council is a planning group that has been instrumental in developing land use plans and goals for the port and related facilities. One such document is the Duluth Port Plan which was completed in 2006. This document provided framework for land use in the port. Another document that was formulated is the "Directions 2035: The Duluth-Superior Long Range Transportation Plan" which describes the long range transportation plan for the area. Some key points from the documents identify the goals developed through the planning efforts as follows:

The Duluth Port Land Use Plan has established guidelines for decision making within the Port. Recommended policies have been developed to reinforce that this planning effort continues the support of these policies. The policies include, but are not limited to the following:

- Land created by filling of navigable waterways should be used for the benefit of the public as defined in the Public Trust Doctrine. These uses include maritime freight movement and recreation uses that are dependent on waterfront access.*
- Land adjacent to the federally designated shipping channel should be conserved for harbor dependent land uses.*
- The purpose of the Future Land Use Map is to promote and protect compatible land uses in the study area. It is designed to bring consistency and continuity to land use decisions in this area. The City of Duluth should incorporate the Future Land Use Map into its Comprehensive Plan.*
- Priority should be given to maritime commerce in the study area given its considerable impact.*
- Protect and enhance the utility of the federally-authorized shipping channel.*
- Encourage beneficial reuse of dredge materials from maintenance dredging. Further action should be taken to forward beneficial reuse projects. Examples include the Interstate Island Habitat Creation and the 21st Avenue Habitat Creation. Steps should be identified by the port community to advance these types of projects.*
- Identify opportunities for private, public or private/public partnerships for the benefit of the port. Examples are natural resource protection and enhancement or improvement of waterfront access.*

Goal 1. of The "Directions 2035: Duluth-Superior Long Range Transportation Plan is for economic vitality. Strategies to meet this include:

- Promote recommendations from previous studies; revisit and update (Freight Study, Port Land Use Plan, Metro Rail Plan, and Airport Land Use Study).*
- Assist jurisdictions in finding ways to incentivize new freight business ventures.*
- Advocate for harmonization of national and state regulations.*
- Work with local entities to identify promising innovations for local freight industries.*

Another goal of the document is providing network integration of the intermodal facilities for freight. Strategies to meet this include:

- Promote recommendations of the Northern MN-northwest WI Regional Freight Plan.*
- Work with area businesses to identify needs.*
- Identify and inventory suitable locations for multi-modal facilities.*
- Assist jurisdictions in finding and applying for funds available for multi-modal improvements.*

In summary, the State of Minnesota in conjunction with the City of Duluth, the Duluth Seaway Port Authority, and the MIC have established land use plans to be used for guidance in decision making and planning efforts. The CN facility has existing rail, road, and a working port access structure that heightens their influence on the maritime economy of the region.

Section 9, Land Use

Under this section it is indicated that the proposed stockpile area was previously filled to a depth of 2-4 feet when fill was originally placed under DNR permit 1965-0741. Based on review of work authorized by the referenced DNR permit for work in the bed of public waters it appears the original authorization (or any other) did not allow for fill within the current project area to the extent that is indicated.

The new owner, CN, is pursuing a new and individual permit independent of the previous permit.

Section 10, Cover Types

Page 7, cover types table, Wetland and brushland acreages should be displayed in tenths of an acre.

The table on page 7, Cover Types, has been modified to list values to the tenth of an acre as follows:

Estimate the acreage of the site with each of the following cover types before and after development:

	Before	After			
Types 1-8 wetlands	24.4	0	Lawn/landscaping	0	0
Wooded/forest	0	0	Impervious surfaces	3.7	3.7
Brush/Grassland	23.5	3.0	Stormwater Pond	0	2.4
Cropland	0	0	Other:		
			Deep Water Slip	10.8	9.9
			Material Storage Area	52.8	93.0
			Dock	6.5	6.8
			Roads/Rail	7.7	10.6
			TOTAL	129.4	129.4

Section 11, Fish, Wildlife, and Ecologically Sensitive Resources

Section a., paragraph one, regarding the depth characterization of Half Moon Bay. Although the bay has substantial areas of 2-4 feet, there are relatively shallow gradient depth transition zones to 20+ feet that are away from the dredged and utilized shipping channel.

The southerly boundary of the project area has a transition gradient to deep water.

Section a., paragraph two, a more diverse aquatic vegetation community is present than suggested. A healthy benthos helps support a relatively diverse plant community. The bay represents the highest quality remaining piece of open-water, shallow habitat between Rice's Point and Grassy Point (St. Louis Bay) on the Minnesota side of the border.

Due to the heavy use of the port between Rice's Point and Grassy Point as industrial use, few areas of high quality pieces of open-water, shallow habitat remain. Areas closest to the port entries have been reserved for port use due to the proximity to the Corps maintained shipping channel.

Section b., paragraph two, this paragraph acknowledges the likely presence of common tern (Threatened Species in Minnesota) in the project area. It should be emphasized in this paragraph that the proposed project area is located approximately 0.5 miles from Interstate Island, which supports the only nesting colony of terns in the area and is co-managed by the Minnesota and Wisconsin DNR's as a Wildlife Management Area. However, the paragraph provides no indication that the project area may negatively impact terns. Although the site may not be highly desirable for nesting, the clean and sandy shallow littoral areas of Half Moon Bay provide excellent foraging for minnows by terns. The importance of this ecosystem function is heightened by its proximity to the breeding population at Interstate Island. Terns have been observed regularly foraging in this bay during completion of fisheries investigations. More information on the potential impacts to this colony would be beneficial. Gerry Niemi at NRRI as well as The Audubon Society may have more than anecdotal information on the site's importance to birds. It is possible that this habitat could also be used by Piping Plovers.

The Common Tern may utilize the project area as a source of food because of its close proximity to the Interstate Island colony site. However, no data exist on whether they forage in the area, nor whether there are appropriate food sources at the site in question. The Common Tern may be displaced from feeding in the area due to the project. The mitigation plan to create like-habitat potentially closer to Interstate Island may offset the impact. Among the major known impacts to the Common Tern include next predation, but the adequacy of food supplies in the Duluth-Superior Harbor are unknown. Mitigation with the establishment of like-habitat may offset the impact of displacement as a feeding ground, therefore, with such implementation, there is not expected to be a significant impact on the population of the Common Tern.

Field sampling as to the food sources available in the project area, as well as observation of feeding frequency of the tern and other bird species will be pursued in the valuation of the habitat during the mitigation planning stage.

Section b., paragraph six; The DNR is unsure what information was used to make the claim in the second sentence that there will be no impact to individual sturgeon foraging in the bay during construction. This same type of habitat (depth transition zones to shallow sandy substrate close to, but not immediately adjacent to the shipping channel) is the preferred habitat of sturgeon in other areas of the estuary. The proposers should assume that the project site will contain sturgeon during construction. The last sentence is also questionable as it is not relative to historic information on sturgeon sampled in the estuary. As stated earlier, this type of depth transition zone to clean, shallow, sandy substrates is the preferred habitat for juvenile sturgeon in the estuary.

Currently there is no data on the presence of Lake Sturgeon within the project area. The proposed project will eliminate feeding within the project area. The Lake Sturgeon will be displaced outside of the project area for food sources. They will be temporarily displaced from

the area during construction due to noise impacts but may return upon completion of the project. Sampling for the presence of the species will be accomplished during the valuation of habitat during the mitigation planning stage.

The CN will work with the St. Louis River Alliance, the Minnesota DNR, the Army Corps of Engineers, and the MPCA to determine the most appropriate compensation for the values lost due to the project. The mitigation plan, will in substantial detail, determine the habitat values and outline a plan that is most suited for addressing the impacts. At a minimum, projects should consider the ability to provide habitat for the Common Tern, Lake Sturgeon, Piping Plover, and the ability to develop a substrate with a healthy benthic population. The Tern and Lake Sturgeon would likely prefer shallow waters such as a sand bar that gently transitions to deeper water. Alternatives will be considered to minimize impact. The permit process will require refining design to minimize impact to resources and will require substantial regulatory review prior to granting permission to commence the project.

Section 12, Physical Impacts to Water Resources

It should be noted that the impacts of the proposed project impacts to DNR public water affect the St Louis River Estuary, not Lake Superior (16-1P).

Comment noted.

Based on the information provided in the options and mitigation in this section, it does not appear that there has been an adequate analysis of proposed future need or evaluation of alternatives to more efficiently utilize existing facilities to justify the proposed action.

Based in the description in the EAW, the need is evident. Alternatives will be evaluated through the permit process to meet regulatory needs.

Option 3

Maximizing the efficient use of existing areas with alterations, such as restoring adequate industrial function to Dock 5 may reduce the need for filling 24 acres of the estuary.

The utilization of an adjacent dock would not eliminate the need for bulk storage. No bulk storage is available through the use of an additional dock. The need based on the temporary seasonal limitations necessitate stockpile space in proximity to the dock structure.

Option 4

The proposer does not adequately justify why the costs to revitalize Dock 5 are not offset by the cost, both environmentally and economically, of filling Half Moon Bay. Revitalizing Dock 5 would completely segregate limestone and taconite handling operations. According to the Hallet Website, Dock 5 has 100 acres of bulk storage capacity with both rail and vessel loading capabilities. Addressing the listed deficiencies may be more justified when considering the mitigation required for filling of Half Moon Bay. Furthermore, although the cost issues of addressing the deficiency listed in 1984 may have been prohibitive at that time and under those world economic conditions, the "undefined" future bulk storage needs may alter the evaluation of revitalizing Dock 5. The proposer does not provide adequate information in this document to

justify the elimination of this alternative from consideration. As stated earlier, combining this alternative with altering Option 5 to include more efficient use of existing dock space and perhaps a strategy to establish a parallel dock with minimal impact to Half Moon Bay (across the bay, the coal dock in Wisconsin did not result in any filling of the bay for example) would have less impact than the environmental cost of filling the bay.

The CN has evaluated the use of CN Dock 5 as a limestone handling mechanism. The use of Dock 5 would not provide bulk storage of limestone. The CN cannot make claims to the use of a neighboring privately owned dock in the evaluation of alternatives. CN Dock 5 is a different structure than Hallet Dock 5. Alternatives to minimize impact will continue to be evaluated by CN.

Option 5

Dock 6 is listed as having 80 acres of bulk storage capacity on the Hallet Website. It is necessary to clearly define whether that includes the entire area of the dock or the area of currently active bulk storage. Based on the lack of adequate information provided by the proposer, it is difficult to find objective support for the statement that this alternative meets the project needs with the least environmental impact. This alternative has the greatest environmental impact of the six alternatives described.

The chosen alternative is the least environmentally damaging practicable alternative in that practicable is in relation to meeting the project needs and objectives. The proposed footprint required is a direct result of addressing need. Hallet Dock 6 is a different structure in a different location than CN Dock 6. The use of the Hallet Dock 6 and storage facility cannot be considered for the CN Railway, as they are not the managers or owners of the facility. The economics of maintaining competitive delivery options for the shipment of bulk raw material necessitate they own adequate stockpile footprint. Great effort has been made in the economic evaluation of right sizing the capital improvement of the facility to meet current and future needs to balance funds and environmental impact.

Table 2, Summary of Options

The two concepts that are combined in this column (least environmentally damaging and practicality) do not appear to be compatible. We would recommend separate columns for each. The yes/no determination is not based on whether the alternative is environmentally damaging, it is based on the insufficiently supported position of economic practicality offered in this document. A more comprehensive evaluation of the project alternatives including mitigation and costs would help in the analysis.

The determination of practicality in the analysis is based on the ability of the proposed alternative of meeting the project needs and goals. The table was intended to support the narrative with consideration of environmental impact as well as economic practicality (meaning meets the needs and goals).

Page 14, what is the expected life span of sheet piles? What type of maintenance will be undertaken over the course of the walls?

The anticipated life span of sheet piles is 75 years with sufficient coating to protect against bacteria from eroding the sheet pile. Maintenance includes repairing damaged caused by impact from ships, ice, or debris. Periodic inspections will be performed to document changes in condition.

Page 14, Controlling Material After Discharge

More detailed construction practices would help to understand how impacts can be minimized. How are determinations going to be made to manage construction if there are impacts from wind, waves and currents at the project site?

A project SWPPP will be the means of describing, managing, and remedying any potential impacts during construction. Best management practices will be employed to control impacts from wind, waves, and currents. The SWPPP shall describe any needed limits to construction to times when the action from wind, waves, and currents will be less. Ongoing monitoring of conditions will be part of the construction documents and SWPPP. These items shall be formalized concurrent with construction documents.

Page 14, Methods of Dispersion,

There is very limited littoral habitat adjacent to the project site. Half Moon Bay is an island of functional habitat surrounded by unproductive channels and the impaired bay at the outfall of Western Lake Superior Sanitary District. Because of this, it would be difficult to design a project alternative to enhance habitat in this location.

Any and all methods to limit impacts will be coordinated with regulatory agencies as to their suitability with the site. Habitat enhancement may not be optimal in this location.

Page 15, Mitigation

The proposed mitigation measures have not been evaluated for adequacy. While there is a Substantial amount of remediation and restoration currently proposed within the St. Louis River Estuary, coordination with CN on this matter has not yet been undertaken. The proposed mitigation opportunities would require a substantial effort and coordination between CN, the Department of Natural Resources, and other AOC partners, including partners from Wisconsin. This area provides habitat for a diverse community ecosystem and this type of quality habitat is limited in the estuary. Offsetting the impacts of open water filling will have to ensure that comparable habitat is created. It will be important to demonstrate that this type of habitat can be adequately mitigated for.

The mitigation plan is in development and substantial work will be required to ensure the most suitable mitigation is implemented to offset the impacts of the project. Agency coordination will be essential to determining the most appropriate mitigation required with an emphasis on the ability to establish like-habitat to accommodate threatened species such as the Piping Plover, Lake Sturgeon, and Common Tern. The existing site provides a habitat value that would need to be matched or furthered.

The alternatives do not provide the benefit of understanding why for example the fill impacts could not be reduced to a proposed 14 acre fill scenario when the document indicates that phase 1 will achieve additional stockpile space through the removal of the large berm which is identified as a major site constraint (see Section 6). As another example, can an additional conveyor option provide the necessary space without the proposed filling to allow for the identified efficiency associated with having segregated or dedicated systems?

Limiting the footprint of the project will not meet the required storage area needed or lessen the impact to habitat. Minimizing impact with the use of a conveyor system will have other potential impacts due to construction in-water for support foundations, the chance for conveyance failure resulting in a substantial spill of material into the lake, and vibration and noise induced into the water due to the conveyance machinery. These alternatives will continue to be evaluated.

Section 13, Water Use

Page 16, Appropriations

Design of the proposed stormwater management facility must be complete and submitted for evaluation in order to consider its adequacy.

Design of the stormwater management facility is underway and will be submitted as part of the permit requirements. The stormwater management facility will be constructed and designed according to all regulatory requirements. The proper handling of stormwater is incidental to any expansions of projects in the State of Minnesota and the City of Duluth. The City of Duluth requires substantial documentation of stormwater design beginning with review of preliminary design documents, studies, and review of treatment and collection system design.

Section 16, Erosion and sedimentation

Page 17, Are there any impacts to the recreational fishery in the estuary during the construction period?

No impact to recreational fishing is anticipated during the construction period. Construction is anticipated to be located nearby the facility and not impact adjacent waters.

Page 19, Sediment control/vehicles

What are the use impacts to the existing roadway infrastructure as a result of project construction? Will the roadways serving the project need to be reconstructed following completion of the project?

Close coordination with the City of Duluth will be ongoing throughout the project to accommodate their transportation routes. Agreements can be made in this regard.

Section 19, Geologic hazards and soil conditions

Page 21, Are there any contaminants present in the sediments underlying the proposed fill site?

Soil borings were conducted at five locations within the proposed site expansion area. Results indicated that the level of contaminants in the samples to be lower than MPCA Level 1 and 2 dredge re-use criteria. See the boring location and testing results attached. No additional testing is anticipated. The results and boring location maps are attached.

Section 29, Cumulative potential effects

The cumulative effects considered do not reflect the long-term cumulative filling that has taken place in the St. Louis River Estuary. The effects of prior filling are currently being evaluated for restoration under the Area of Concern process. The additional filling proposed within the EAW adds to the cumulative impact already in place.

The project proposer is aware of the cumulative impact of reduced shallow open water habitat and that the project will affect the goal of no net loss of open water habitat. Mitigation for the project will consider creative ways to enhance the estuary in areas where preservation and enhancement of habitat may be more beneficial to meeting the delisting goals. The project is located at a maritime facility with direct access to the ACOE shipping channel. The economic impact of not pursuing the project will be substantial for the region. The Duluth Port has a great economic impact on the area and the project is within the intended land use for utilizing this important waterway.

Based on the information provided, it does not appear that there has been an adequate analysis of proposed future need or evaluation of alternatives that would result in a more efficient utilization of existing facilities. The impacts to natural resources may be minimized or eliminated through hybridization of proposed alternatives. Further evaluation of impacts, alternatives and mitigation is needed. An Environmental Impact Statement (EIS) may be the best process for ensuring consideration of these issues.

The need for a project at the CN facility is firm. Hybridization of the proposed alternatives will continue with the permitting process which considers the site needs and potential impacts. The EAW process has provided the input necessary to provide guidance on potential impacts not previously identified and the permit process will allow the CN to continue to refine the scope of the project. Alternate layouts for stockpile space will be considered. Stormwater design will be drafted, modified, and finalized according to regulatory needs along with their input. The mitigation plan development process will determine habitat and ecological values and identify potential measures to offset those impacts. Regulatory staff, along with fish and wildlife staff will be instrumental in determining the effectiveness of the efforts. These goals can all be met in the permit process. The project will not pose a significant environmental impact as proposed. Minimization of impact will be sought and adhered to.

Letter dated April 16, 2013 from St. Louis River Alliance

The proposed project includes filling 24.3 acres of open water. The project area has been identified as valuable fish and wildlife habitat by the resource managers who are part of the St. Louis River Habitat Work Group. Loss of fish and wildlife habitat is one of the nine beneficial use impairments (BUI) that resulted in International Joint Commission designation of the St. Louis River Estuary as an Area of Concern (AOC) Restoration of the AOC includes an interim goal of restoring 1700 acres of fish and wildlife habitat. The loss of an additional 24.3 acres of valuable habitat will be a significant factor that could set back progress toward elimination of the habitat BUI.

The St. Louis River Alliance strongly encourages that mitigation be required to compensate for loss of open water habitat. At a minimum, we recommend that the compensation should be in the form of restored/constructed open water habitat in the lower St. Louis River Estuary to best compensate for the loss where it is already most limited. In addition, the value of the restored/constructed habitat should exceed the value of the lost habitat.

Furthermore, St. Louis River Alliance believes that resource managers from the MN/DNR and USFWS, in consultation with the St. Louis River Habitat Work Group, will be in the best position to select appropriate mitigation projects, determine the value of the lost resources, and assign values to replacement resources.

The project proposer will continue to work for a creative approach to mitigation to compensate for the losses through the pertinent agencies. Minimization of impact will be pursued. The St. Louis River Alliance has been working conscientiously for many years to manage and implement goals associated to the lower St. Louis River Estuary. These comments speak strongly of their commitment to the estuary. The St. Louis River Habitat Work Group will be instrumental in identifying the complexities of implementing mitigation measures within the estuary and may provide guidance as to the mitigation projects that will be considered favorably toward the delisting of the estuary as an AOC.

Letter dated April 14, 2013 from the Duluth Seaway Port Authority

Comments in the letter reiterated the project as being of tremendous regional significance. Per the letter, "As proposed, the project will greatly increase the cargo-handling capacity for CN and the Port as a whole and will support the planned expansion of the mining industry across Northeastern Minnesota-a strategic economic driver for the City of Duluth, the State, and the entire Great Lakes Basin". The economic future of the port will be enhanced through the implementation of the project.

E-mail Received on April 17, 2013 from APEX

I am writing today to express my support for the CN and their proposed Dock 6 project. I would like to start by saying I am a boater and fisherman and frequent user of the St. Louis River-I value the many faces of the river-industrial, residential, and wild and scenic. I am also a Duluth citizen and a regional economic development professional.

The area under consideration is clearly an industrial area. The proposed project would increase the efficiency and capacity of CN operations. These positive impacts would improve the CN's ability to serve our community and the industrial customers that serve all of us. It would also improve our existing transportation infrastructure and help the CN and its customers create jobs.

Comments noted.

If you have any questions or additional information needed, please do not hesitate to contact me at 391-1776.

Sincerely,



Jeffrey Heller, Vice President
Krech Ojard and Associates, Inc.

Attachments

SEDIMENT SAMPLE RESULTS



Reference: Google Earth Image



FILE No. sample locations.dwg
PROJECT No. 113-81071

SCALE None

CADD MTK

DATE 2/27/2013

CHECK --

DATE --

REV. --

TITLE

CN DULUTH DOCKS **Borehole / Sample Locations**

CN / DULUTH DOCKS / MN

FIGURE

-

Table 1: Sediment Sampling Results and Screening

Analyte	Sample 11-3-5	Sample S1	Sample S2	Sample S3	Sample S4	Sample S5	Sample Average	MPCA Level 1	MPCA Level 2	Units
Aldrin	0	0	0	0	0	0	0.0	1000	2000	ug/kg
alpha-BHC	0	0	0	0	0	0	0.0			ug/kg
beta-BHC	0	0	0	0	0	0	0.0			ug/kg
delta-BHC	0	0	0	0	0	0	0.0			ug/kg
gamma-BHC (Lindane)	0	0	0	0	0	0	0.0	9000	15000	ug/kg
Chlordane (Technical)	0	0	0	0	0	0	0.0	13000	74000	ug/kg
alpha-Chlordane	0	0	0	0	0	0	0.0			ug/kg
beta-Chlordane	0	0	0	0	0	0	0.0			ug/kg
4,4'-DDD	0	0	0	0	0	0	0.0	56000	125000	ug/kg
4,4'-DDE	0	0	0	0	0	0	0.0	40000	80000	ug/kg
4,4'-DDT	0	0	0	0	0	0	0.0	15000	88000	ug/kg
Dieldrin	0	0	0	0	0	0	0.0	800	2000	ug/kg
Endosulfan I	0	0	0	0	0	0	0.0			ug/kg
Endosulfan II	0	0	0	0	0	0	0.0			ug/kg
Endosulfan sulfate	1.6	0	2.2	0	0	0	0.6			ug/kg
Endrin	0	0	0	0	0	0	0.0	8000	56000	ug/kg
Endrin aldehyde	0	0	0	0	0	0	0.0			ug/kg
Endrin ketone	0	0	0	0	0	0	0.0			ug/kg
Heptachlor	0	0	0	0	0	0	0.0	2000	3500	ug/kg
Heptachlor epoxide	0	0	0	0	0	0	0.0			ug/kg
Methoxychlor	0	0	0	0	0	0	0.0			ug/kg
Toxaphene	0	52	113	0	0	0	27.5	13000	28000	ug/kg
PCB-1016	0	0	0	0	0	0	0.0	1200	8000	ug/kg
PCB-1221	0	0	0	0	0	0	0.0	1200	8000	ug/kg
PCB-1232	0	0	0	0	0	0	0.0	1200	8000	ug/kg
PCB-1242	0	0	0	0	0	0	0.0	1200	8000	ug/kg
PCB-1248	0	0	0	0	0	0	0.0	1200	8000	ug/kg
PCB-1254	0	0	0	0	0	0	0.0	1200	8000	ug/kg
PCB-1260	0	0	0	0	0	0	0.0	1200	8000	ug/kg
PCB-1262	0	0	0	0	0	0	0.0	1200	8000	ug/kg
PCB-1268	0	0	0	0	0	0	0.0	1200	8000	ug/kg
Arsenic	4.7	5.6	4.3	2.7	2	2.9	3.7	9	20	mg/kg
Barium	55.8	110	80.6	55	52.7	53.3	67.9	1100	18000	mg/kg
Chromium	21.4	32.2	27.5	20.1	19.6	18.6	23.2			mg/kg
Copper	14.9	28.6	23.7	13.2	13.6	14.4	18.1	100	9000	mg/kg
Lead	21.2	41	34.1	18.1	13.8	25.7	25.7	300	700	mg/kg
Manganese	344	570	439	352	310	298	385.5	3600	8100	mg/kg
Nickel	16.7	23	19.8	16	15.6	41.1	22.0	560	2500	mg/kg
Selenium	7.4	9.6	7	6.4	5.1	5.5	6.8	160	1300	mg/kg
Mercury	0.042	0.25	0.16	0.05	0.029	0.087	0.1	0.5	1.5	mg/kg
Acenaphthene	0	18.7	0	8.2	0	0	4.5	1200000	5260000	ug/kg
Acenaphthylene	11.5	39.6	0	17.9	0	0	11.5			ug/kg
Anthracene	20.4	73.4	15.3	36	8.2	0	25.6	7800000	45400000	ug/kg
Benzo(a)anthracene	62.3	241	51.9	106	23.7	24.4	84.9			ug/kg
Benzo(a)pyrene	81	297	64.7	148	29.6	28.5	108.1	2000	3000	ug/kg
Benzo(e)pyrene	58.9	235	49.8	106	22.9	19.7	82.1			ug/kg
Benzo(g,h,i)perylene	52.1	136	35.1	83.2	17.8	16.8	56.8			ug/kg
Benzoofluoranthene	152	528	118	283	59	57.6	199.6			ug/kg
Carbazole	0	12.4	0	0	0	0	2.1			ug/kg
2-Chloronaphthalene	0	0	0	0	0	0	0.0			ug/kg
Chrysene	66.4	281	61	119	26.4	24.2	96.3			ug/kg
Dibenz(a,h)acridine	0	0	0	0	0	0	0.0			ug/kg
Dibenz(a,h)anthracene	16	42.9	9.2	24.6	0	0	15.5			ug/kg
Dibenz(a,j)acridine	0	0	0	0	0	0	0.0			ug/kg
Dibenzo(a,e)pyrene	59.2	52.6	16.7	43.6	9.9	9	31.8			ug/kg
Dibenzo(a,h)pyrene	24	34.7	0	25.5	0	0	14.0			ug/kg
Dibenzo(a,i)pyrene	0	12.5	10.5	8.5	0	0	5.3			ug/kg
Dibenzo(a,l)pyrene	0	0	0	0	0	0	0.0			ug/kg
7H-Dibenzo(c,g)carbazole	0	0	15.7	0	0	0	2.6			ug/kg
Dibenzofuran	12.2	24.1	0	20.8	0	0	9.5			ug/kg
7,12-Dimethylbenz(a)anthracene	0	0	0	0	0	0	0.0			ug/kg
1,6-Dinitropyrene	0	0	0	0	0	0	0.0			ug/kg
1,8-Dinitropyrene	0	0	0	0	0	0	0.0			ug/kg
Fluoranthene	114	400	102	196	44.1	45.9	150.3	1080000	6800000	ug/kg
Fluorene	13.9	35.7	0	22.9	0	0	12.1	850000	4120000	ug/kg
Indeno(1,2,3-cd)pyrene	48.8	122	31.7	82.3	16.1	17	53.0			ug/kg
3-Methylcholanthrene	0	0	0	0	0	0	0.0			ug/kg
5-Methylchrysene	18.4	63.2	13.8	27.1	0	0	20.4			ug/kg
1-Methylnaphthalene	19.6	22.9	9.3	30.4	8.8	0	15.2			ug/kg
2-Methylnaphthalene	25.4	37.8	12.7	41.1	12.4	0	21.6			ug/kg
Naphthalene	24.7	91.5	19.9	41.2	19.1	0	32.7	10000	28000	ug/kg
5-Nitroacenaphthalene	0	0	10.9	0	0	9.2	3.4			ug/kg
6-Nitrochrysene	0	0	0	0	0	0	0.0			ug/kg
2-Nitrofluorene	0	0	0	0	0	0	0.0			ug/kg
1-Nitropyrene	0	0	0	0	0	0	0.0			ug/kg
4-Nitropyrene	0	0	0	0	0	0	0.0			ug/kg
Perylene	124	141	270	229	189	193	191.0			ug/kg
Phenanthrene	53.7	164	41	87.5	22.1	15.8	64.0			ug/kg
Pyrene	109	424	98.4	187	42.8	42.1	150.6	890000	5800000	ug/kg
Chromium, Hexavalent	0	2.9	0	0	0	0	0.5	87	650	mg/kg
Oil and Grease	117	536	167	151	80.4	0	175.2			mg/kg
Chromium, Trivalent	21.4	29.3	27.5	20.1	19.6	18.6	22.8	44000	100000	mg/kg
Nitrogen, Ammonia	116	300	179	124	119	130	161.3			mg/kg
Nitrogen, Total Kjeldahl Nitrogen	1100	1920	1660	921	1430	1180	1368.5			mg/kg
Nitrogen, NO2 plus NO3	0	2.4	2.2	0	0	0	0.8			mg/kg
Phosphorus	488	900	778	558	606	516	641.0			mg/kg
Cyanide	0	0.38	0	0	0	0	0.1	60	5000	mg/kg
Mean Total Organic Carbon	24600	34600	29000	25400	32700	23900	28366.7			mg/kg
BAP Equivalent	n/a	n/a	n/a	n/a	n/a	n/a	435.3	2000	3000	ug/kg

COMMENTS RECIEVED



1200 Port Terminal Drive
Duluth, Minnesota 55802-2609 U.S.A.
218-727-8525 ■ Fax 218-727-6888
E-Mail: admin@duluthport.com ■ www.duluthport.com

April 15, 2013

Charles Froseth, Land Use Supervisor
City of Duluth
411 West First Street, Room 208
Duluth MN 55802

SENT VIA EMAIL: cfroseth@duluthmn.gov

RE: CN Dock 6 EAW

Dear Mr. Froseth,

On behalf of the Duluth Seaway Port Authority, I am submitting this letter of support for the ***CN Duluth Dock 6 Stabilization and Materials Stockpile Expansion Project*** here in the Port of Duluth-Superior.

This is a project with tremendous regional significance. As proposed, this project will greatly increase the cargo-handling capacity for CN and the Port as a whole and will support the planned expansion of the mining industry across Northeastern Minnesota – a strategic economic driver for the city of Duluth, the state and the entire Great Lakes Basin.

Filling in those defined acres in St. Louis Bay will improve the dock's limestone and iron ore loading efficiencies and capacity by providing additional space for materials storage. Plus, stabilizing Dock 6 with sheetpile will enable CN to once again utilize that deep water slip and, thereby, increase throughput at the terminal.

The entire CN facility has been modernized in phases over the past century to accommodate the changing needs of the mining industry it serves. This project is the logical next step in expansion efforts to meet the growing demands of Minnesota's mining industry...and the Great Lakes steelmaking/manufacturing sectors.

This move will also support greater opportunities for development in the maritime industry, including the potential construction of new ships, as well as growth in the local and regional job front as other cargo-handling opportunities are added.

Finally, the willingness of the company to establish a trust or escrow to fund the development of details for projects that meet mitigation goals of delisting the AOC and for providing habitat for aquatic life, fish species and other recreational benefits also bodes well for the overall economic and environmental health of the harbor.

Thank you for the opportunity to express the Port Authority's support for this important project as part of the EAW review. Please feel free to contact me at (218) 727-8525 if you wish to discuss this project further.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Ojard', with a stylized flourish at the end.

Adolph N. Ojard
Executive Director



Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us | Equal Opportunity Employer

April 15, 2013

Mr. Charles Froseth
Land Use Supervisor
City of Duluth
411 West First Street, Room 208
Duluth, MN 55802

Re: CN Duluth Dock 6 Stabilization and Materials Stockpile Expansion
Environmental Assessment Worksheet

Dear Mr. Froseth:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the CN Duluth Dock 6 Stabilization and Materials Stockpile Expansion project (Project) located in Duluth, Minnesota. The Project consists of filling 24 acres of St. Louis Bay to provide additional space for material storage and the stabilization of Dock 6. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility and other interests, the MPCA staff has the following comments for your consideration.

Permits and Approvals (Item 8)

The table in this section of the EAW does not include the individual National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) permit that will need to be modified, most likely to a major, before the project can discharge treated stormwater. Section 17 of the EAW does discuss the modification that will be sought.

Physical Impacts on Water Resources (Item 12)

Construction

- The EAW states that each phase will include the installation of a retaining wall along the outer limits of the proposed fill areas. Please clarify whether a retaining wall will be constructed at the southern end of Phase I and describe what constitutes "retaining wall".
- How will the existing water from Half-Moon Bay be managed once the retaining walls are constructed and the fill is placed in this area, displacing the water? MPCA staff is concerned that the filling activities will cause sediment suspension in the water column and have the potential to violate water quality standards. Please clarify the manner in which this water will be managed for each phase of project construction.

Mitigation

- The EAW states that no specific mitigation plan has been prepared to address the loss of deep water habitat or open water fresh water wetlands. It is MPCA's position that compensatory mitigation for the proposed impacts to wetland and deep water habitats should be achieved within the St. Louis River Estuary and that adequate opportunities exist within the Estuary to achieve mitigation requirements. However, there is also a concern that simply funding a portion of a project (or projects) that are already in some stage of planning and development doesn't

satisfy the intent of compensatory mitigation since these projects have been planned to occur without funding from the proposed Trust or Escrow Account. For example, the EAW identifies the 21st Avenue West Channel Embayment project as potential mitigation. However, this project has been in some stage of planning since the late 1990s. The mitigation for the proposed impacts needs to demonstrate that the activities are not simply paying (supplanting) money for restoration activities that were already planned to occur. Also, depending upon the funding sources for the restoration projects, there may be restrictions or prohibitions on utilizing restoration funding projects to satisfy regulatory mitigation requirements.

- The St. Louis Area of Concern is concerned about the long-term maintenance and operation of stockpiles that have the potential for degrading water quality. Please note that stormwater best management practices (BMP) designs should take into consideration extreme storm events considering climate change and its proximity to the Estuary.

We appreciate the opportunity to review this project. Please provide your specific responses to our comments and notice of decision on the need for an Environmental Impact Statement. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this EAW please contact me at 651-757-2508.

Sincerely,



Karen Kromar
Planner Principal
Environmental Review Unit
Resource Management and Assistance Division

KK:bt

cc: Craig Affeldt, MPCA, St. Paul
Pat Carey, MPCA, Duluth
Tom Estabrooks, MPCA, Duluth
Diane Desotelle, MPCA, Duluth
John Thomas, MPCA, Duluth



St. Louis River Alliance
394 Lake Avenue S, Suite 321
Duluth, Minnesota 55802-2338
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Fax: 218-723-4794
E-mail: slrcac@StLouisRiver.org

April 16, 2013

Mr. Charles Froseth, Land Use Supervisor
City of Duluth
411 West 1st Street, Room 208
Duluth, MN 55802

Subject: Comments on CN Dock 6 Stabilization and Materials Stockpile Expansion Project

Dear Mr. Froseth:

Thank you for the opportunity for the St. Louis River Alliance (SLRA) to submit these comments during the public notice period for the CN EAW. SLRA is a local nonprofit organization that has been working closely with local, state, tribal and federal agencies along with other area non-governmental agencies in a wide variety of efforts and activities intended to restore and protect the St. Louis River. These comments, which are focused on how mitigation will help compensate for loss of this valuable open water habitat, were drafted by the River Issues Review Committee and approved by the SLRA Board of Directors on April 16, 2013.

The proposed project includes filling 24.3 acres of open water. The project area has been identified as valuable fish and wildlife habitat by the resource managers who are part of the St. Louis River Habitat Work Group. Loss of fish and wildlife habitat is one of the nine beneficial use impairments (BUI) that resulted in International Joint Commission (IJC) designation of the St. Louis River Estuary as an Area of Concern (AOC). Restoration of the AOC includes an interim goal of restoring 1700 acres of fish and wildlife habitat. The loss of an additional 24.3 acres of valuable habitat will be a significant factor that could set back progress toward elimination of the habitat BUI.

The St. Louis River Alliance strongly encourages that mitigation be required to compensate for loss of open water habitat. At a minimum, we recommend that the compensation should be in the form of restored/constructed open water habitat in the lower St. Louis River Estuary to best compensate for the loss where it is already most limited. In addition, the value of the restored/constructed habitat should exceed the value of the lost habitat.

Furthermore, St Louis River Alliance believes that resource managers from the MN/DNR and USFWS, in consultation with the St. Louis River Habitat Work Group, will be in the best position to select appropriate mitigation projects, determine the value of the lost resources, and assign values to replacement resources.

Thank you for the opportunity to comment on this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Julene Boe". The signature is fluid and cursive, with the first name "Julene" written in a larger, more prominent script than the last name "Boe".

Julene Boe
Executive Director

CC: Patricia Fowler – MN/DNR
John Lindgren – MN/DNR
Nelson French – MPCA
William Sande – USACE
Tamara E Cameron – USACE
Dave Warburton – USFWS
Michael Suter – CN Railway
Jeff Heller – Krech Ojard & Associates

Minnesota Department of Natural Resources
Northeast Region • 1201 East Highway 2 • Grand Rapids MN • 55744



April 17, 2013

Charles Froseth, AICP
Land Use Supervisor
City of Duluth
411 West 1st Street, Room 208
Duluth, MN 55802

RE: EAW CN Duluth Dock 6 Stabilization and Materials Stockpile Expansion

Dear Mr. Froseth:

The Department of Natural Resources Northeast Region has reviewed the Environmental Assessment Worksheet (EAW) for CN Duluth Dock 6 Stabilization and Materials Stockpile Expansion and we have the following comments.

General Comment Overall

The DNR has consistently communicated during early coordination efforts and also through the initial permit application submittal the need to provide supporting information and detail sufficient for DNR related permit decision making. To meet the purposes of the EAW document it is important to disclose information about environmental effects and ways to minimize and avoid them and to integrate into the permitting processes. More description of alternatives and supporting information is necessary to clearly understand the impacts, proposed mitigation and need for the proposed project.

General Comment, Ownership

The State of Minnesota owns all submerged lands in the Minnesota portion of the Duluth-Superior Harbor below the ordinary low water mark. The state owns beds of navigable waters beyond the low water mark in trust for the people of the State of Minnesota for public uses. In the case where private parties have placed fill below the Ordinary High Water Level extending onto the beds of navigable waters, the state maintains ownership of the submerged lands as it continues to have an interest in the public rights to use the submerged lands.

The use of municipal parcel data or tax assessor records in determining ownership of the beds of navigable waters is not a legitimate method. The state was granted ownership of lands below the ordinary low watermark at the time of statehood. The Public Trust Doctrine prevents land from being transferred or sold to other parties. Clarification of ownership needs to be determined for both within the bed of public water and future upland if later controlled by CN.

Section 6, Project Description

Under the Project Description Section, the stated intent of the proposed improvements is to stabilize the dock and expand the materials stockpile area to accommodate material handling requirements. It would be beneficial to provide more supporting detail regarding the handling and the associated expanded surface area requirements. For example, under the section entitled "additional stockpile space", it indicates that the existing footprint can accommodate the existing throughput, but the site constraints limit the facility from meeting projected demand. Please indicate the demand with supporting references, including information related to the economic complexity of the proposed expansion. The project description section could also be improved by providing supporting information on local and international demand for product.



It would be helpful to provide a relationship between the area (acres) necessary to accommodate current and projects future storage rather than simply identifying the storage based on MTons. This would help to illustrate the necessity for a 24.3 acre expanded surface area.

Table 1 indicates that the current storage capacity for limestone (in MTons) is zero. It is understood from earlier project narrative that the site currently supports storage of limestone. This statement makes it unclear to the project reviewer as to what the current and proposed expansion needs are based on.

It is explained that a new facility is needed to ensure treatment of stormwater into the future, but the supporting information sufficient to understand the expanded surface area relationship requirements for design are lacking. It is understood that site stormwater management has not yet been studied. Without some study the applicant cannot demonstrate the need for related increased capacity.

Schedule

The project anticipated start date is early summer 2013. It is important to note that without additional detail it seems this schedule will be difficult to attain. CN has submitted an application for work in the bed of public waters of the state. The permit application review process generally takes 45 to 150 days after the receipt of information necessary for the review and processing of an application.

Item d. future stages of development. Are there related railway delivery needs or improvements planned? Is property needed for future improvements already under ownership by CN, or would acquisition need to happen in the future? Would railway infrastructure development result in future cumulative impacts?

Section 8, permit approvals

The DNR has previously completed review of the proposed project that is the subject of the above referenced EAW document through a COE Public Notice (DNR Letter, November 21, 2012) and the DNR permit application submittal for work in the bed of public waters (DNR Letter, January 9, 2012).

It is mentioned that CN has been working to refine both scope and project alternatives in addition to identifying mitigation in response to comments received by MNDNR and others in response to the USACE 30-day notice. However, the information provided in the EAW document does not provide the substantive content the Department has indicated is necessary for decision making. It is important to emphasize this especially with respect to the project alternatives discussion. In a letter dated January 9, 2012, the DNR indicated that the permit application submittal was considered incomplete.

The Department has also emphasized this point to CN in our response letter to the USACE permit application 30-day public notice; indicating the proposed physical impact to DNR public waters is substantial in terms of habitat and mentioning that the Multi-agency process to delist the St. Louis Estuary as a Great Lakes Area of Concern (AOC) has identified targets to be reached for the protection and restoration of fish and wildlife habitat in the Estuary.

MN Rules, Part 6115.0190 guides DNR in making decisions on filling into public waters. The placement of fill to create upland is prohibited unless the Commissioner has approved the development as part of a Comprehensive Port Development Plan.

Section 9, Land use

Under this section it is indicated that the proposed stockpile area was previously filled to a depth of 2-4 feet when fill was originally placed under DNR permit 1965-0741). Based on review of work authorized by the referenced DNR permit for work in the bed of public waters it appears the original authorization (or any other) did not allow for fill within the current project area to the extent that is indicated.

Section 10, Cover types

Page 7, cover types table, Wetland and brushland acreages should be displayed in tenths of acres.

Section 11, Fish, wildlife and ecologically sensitive resources

Section a., paragraph one, regarding the depth characterization of Half Moon Bay. Although the bay has substantial areas of 2 – 4 feet, there are relatively shallow gradient depth transition zones to 20+ feet that are away from the dredged and utilized shipping channel.

Section a., paragraph two, a more diverse aquatic vegetation community is present than suggested. A healthy benthos helps support a relatively diverse plant community. The bay represents the highest quality remaining piece of open-water, shallow habitat between Rice's Point and Grassy Point (St. Louis Bay) on the Minnesota side of the border.

Section b., paragraph two, this paragraph acknowledges the likely presence of common tern (Threatened Species in Minnesota) in the project area. It should be emphasized in this paragraph that the proposed project area is located approximately 0.5 miles from Interstate Island, which supports the only nesting colony of terns in the area and is co-managed by the Minnesota and Wisconsin DNR's as a Wildlife Management Area. However, the paragraph provides no indication that the project area may negatively impact terns. Although the site may not be highly desirable for nesting, the clean and sandy shallow littoral areas of Half Moon Bay provide excellent foraging for minnows by terns. The importance of this ecosystem function is heightened by its proximity to the breeding population at Interstate Island. Terns have been observed regularly foraging in this bay during completion of fisheries investigations. More information on the potential impacts to this colony would be beneficial. Gerry Niemi at NRRI as well as the Audubon Society may have more than anecdotal information on the site's importance to birds. It is possible that this habitat could also be used by Piping Plovers.

Section b., paragraph six, The DNR is unsure what information was used to make the claim in the second sentence that there will be no impact to individual sturgeon foraging in the bay during construction. This same type of habitat (depth transition zones to shallow sandy substrate close to, but not immediately adjacent to the shipping channel) is the preferred habitat of sturgeon in other areas of the estuary. The proposers should assume that the project site will contain sturgeon during construction. The last sentence is also questionable as it is not relative to historic information on sturgeon sampled in the estuary. As stated earlier, this type of depth transition zone to clean, shallow, sandy substrates is the preferred habitat for juvenile sturgeon in the estuary.

Section 12, Physical impacts to water resources

It should be noted that the impacts of the proposed project impacts to DNR public water affect the St Louis River Estuary, not Lake Superior (16-1P).

Based on the information provided in the options and mitigation in this section, it does not appear that there has been an adequate analysis of proposed future need or evaluation of alternatives to more efficiently utilize existing facilities to justify the proposed action.

Option 3.

Maximizing the efficient use of existing areas with alterations, such as restoring adequate industrial function to Dock 5 may reduce the need for filling 24 acres of the estuary

Option 4.

The proposer does not adequately justify why the costs to revitalize Dock 5 are not offset by the cost, both environmentally and economically, of filling Half Moon Bay. Revitalizing Dock 5 would completely segregate limestone and taconite handling operations. According to the Hallet Website, Dock 5 has 100 acres of bulk storage capacity with both rail and vessel loading capabilities. Addressing the listed deficiencies may be more justified when considering the mitigation required for filling of Half Moon Bay. Furthermore, although the cost issues of addressing the deficiency listed in 1984 may have been prohibitive at that time and under those world economic conditions, the "undefined" future bulk storage needs may alter the evaluation of revitalizing Dock 5. The proposer does not provide adequate information in this document to justify the elimination of this alternative from consideration. As stated

earlier, combining this alternative with altering Option 5 to include more efficient use of existing dock space and perhaps a strategy to establish a parallel dock with minimal impact to Half Moon Bay (across the bay, the coal dock in Wisconsin did not result in any filling of the bay for example) would have less impact than the environmental cost of filling the bay.

Option 5

Dock 6 is listed as having 80 acres of bulk storage capacity on the Hallet Website. It is necessary to clearly define whether that includes the entire area of the dock or the area of currently active bulk storage. Based on the lack of adequate information provided by the proposer, it is difficult to find objective support for the statement that this alternative meets the project needs with the least environmental impact. This alternative has the greatest environmental impact of the six alternatives described.

Table 2, Summary of Options

The two concepts that are combined in this column (least environmentally damaging and practicality) do not appear to be compatible. We would recommend separate columns for each. The yes/no determination is not based on whether the alternative is environmentally damaging, it is based on the insufficiently supported position of economic practicality offered in this document. A more comprehensive evaluation of the project alternatives including mitigation and costs would help in the analysis.

Page 14, what is the expected life span of sheet piles? What type of maintenance will be undertaken over the course of the walls?

Page 14, controlling material after discharge

More detailed construction practices would help to understand how impacts can be minimized. How are determinations going to be made to manage construction if there are impacts from wind, waves and currents at the project site?

Page 14, methods of dispersion,

There is very limited littoral habitat adjacent to the project site. Half Moon Bay is an island of functional habitat surrounded by unproductive channels and the impaired bay at the outfall of Western Lake Superior Sanitary District. Because of this, it would be difficult to design a project alternative to enhance habitat in this location.

Page 15, Mitigation

The proposed mitigation measures have not been evaluated for adequacy. While there is a substantial amount of remediation and restoration currently proposed within the St. Louis River Estuary, coordination with CN on this matter has not yet been undertaken. The proposed mitigation opportunities would require a substantial effort and coordination between CN, the Department of Natural Resources, and other AOC partners, including partners from Wisconsin. This area provides habitat for a diverse community ecosystem and this type of quality habitat is limited in the estuary. Offsetting the impacts of open water filling will have to ensure that comparable habitat is created. It will be important to demonstrate that this type of habitat can be adequately mitigated for.

The alternatives do not provide the benefit of understanding why for example the fill impacts could not be reduced to a proposed 14 acre fill scenario when the document indicates that phase 1 will achieve additional stockpile space through the removal of the large berm which is identified as a major site constraint (see Section 6). As another example, can an additional conveyor option provide the necessary space without the proposed filling to allow for the identified efficiency associated with having segregated or dedicated systems?

Section 13, Water Use

Page 16. Appropriations

Design of the proposed stormwater management facility must be complete and submitted for evaluation in order to consider its adequacy.

Section 16, Erosion and sedimentation

Page 17, Are there any impacts to the recreational fishery in the estuary during the construction period?

Page 19, Sediment control/vehicles

What are the use impacts to the existing roadway infrastructure as a result of project construction? Will the roadways serving the project need to be reconstructed following completion of the project?

Section 19, Geologic hazards and soil conditions

Page 21, Are there any contaminants present in the sediments underlying the proposed fill site?

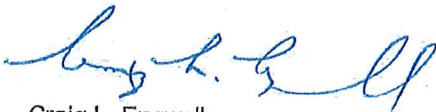
Section 29, Cumulative potential effects,

The cumulative effects considered do not reflect the long-term cumulative filling that has taken place in the St. Louis River Estuary. The effects of prior filling are currently being evaluated for restoration under the Area of Concern process. The additional filling proposed within the EAW adds to the cumulative impact already in place.

Based on the information provided, it does not appear that there has been an adequate analysis of proposed future need or evaluation of alternatives that would result in a more efficient utilization of existing facilities. The impacts to natural resources may be minimized or eliminated through hybridization of proposed alternatives. Further evaluation of impacts, alternatives and mitigation is needed. An Environmental Impact Statement (EIS) may be the best process for ensuring consideration of these issues.

Thank you for the opportunity to comment. We would be open to discuss these comments with you in more detail. Please feel free to contact me or Rian Reed (218) 999-7826 with any questions you may have.

Sincerely,



Craig L. Engwall
Northeast Regional Director
1201 East Hwy 2
Grand Rapids, MN 55744
(218) 999-7913
craig.engwall@state.mn.us



U. S. Steel Corporation
Minnesota Ore Operations
P.O. Box 417
Mt. Iron, MN 55768

Thomas Kelly
General Manager

April 17, 2013

Mr. Charles Forseth
Land Use Supervisor
City of Duluth
411 West First Street, Room 208
Duluth, MN 55802

RE: CN Dock 6 EAW

SENT VIA EMAIL: cfroseth@duluthmn.gov

Dear Mr. Forseth

On behalf of U. S. Steel Corporation, I would like to take this opportunity during the Public Notice period to provide support of the CN Dock 6 and Materials Storage Facility Project. This nearly 100-year-old facility - formerly owned by U. S. Steel and subsequently purchased by CN in 2004 - remains a vital component of U. S. Steel's supply chain that allows our company's raw materials to be safely and efficiently transported to facilities throughout the Great Lakes and beyond.

The CN needs the ability to continue to support our supply chain requirements. Our supply chain relies on an efficient transportation system at all levels and the proposed project at the port of Duluth will help maintain this vital logistical requirement for decades to come.

The long-term economic impact of a successful Duluth Dock stretches far beyond the CN employees and reaches deep into the economy of Minnesota through job creation and/or continuation. For these reasons we support the proposed initiative.

Thank you for the opportunity to express our support for this important Project as part of the EAW review. Please feel free to contact me at (218) 749-7592 if you wish to discuss this project further.

Sincerely,

A handwritten signature in blue ink, appearing to read "Thomas Kelly".

Thomas Kelly
General Manager

Steven Robertson

From: Charles Froseth
Sent: Wednesday, April 17, 2013 4:32 PM
To: Steven Robertson
Subject: FW: CN Dock 6 EAW

Here is another letter / email of support for the CN Dock.
Chuck

From: Brian Hanson [<mailto:Brian@ApexGetsBusiness.com>]
Sent: Wednesday, April 17, 2013 4:29 PM
To: Charles Froseth
Subject: CN Dock 6 EAW

Dear Mr. Froseth:

I am writing today to express my support for the CN and their proposed Dock 6 project.

I would like to start by saying that I am a boater and fisherman and frequent user of the St. Louis River. I value the many faces of the river – industrial, residential, and wild and scenic. I am also a Duluth citizen and a regional economic development professional.

The area under consideration is clearly an industrial area. The proposed project would increase the efficiency and capacity of CN operations. These positive impacts would improve the CN's ability to serve our community and the industrial customers that serve all of us. It would also improve our existing transportation infrastructure and help the CN and its customers create jobs.

Thank you.

Brian Hanson

Brian W. Hanson
President & CEO



306 W Superior St
Duluth, MN 55802

P 218.740.3667
C 218.730.7330

www.APEXgetsbusiness.com

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EQB Monitor



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Next Publication: April 1, 2013
Submittal Deadline: March 25, 2013
Submit to EQB.Monitor@state.mn.us

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EQB Meetings are regularly scheduled for the third Wednesday of the month. There may be additional special meetings as well. The calendar with scheduled meetings is located at http://server.admin.state.mn.us/WebCalendar/month.php?cat_id=3&date=20120801. All meeting packets and agendas can be viewed at <http://www.eqb.state.mn.us/agendas.html>.

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EQB MONITOR

ENVIRONMENTAL ASSESSMENT WORKSHEETS

EAW Comment Deadline: April 17, 2013

Project Title: CN Dock 6 Stabilization and Materials Stockpile Expansion

Project Description: The proposed project includes filling 24.3 acres of St. Louis Bay with 288,400 cubic yards of fill to provide additional space for materials storage; stormwater collection and management for the facility; and stabilization of Dock 6 with sheetpile, all of which will increase the efficiency and capacity of the facility.

RGU: City of Duluth

Contact Person: Charles Froseth
Land Use Supervisor, City of Duluth
411 West First Street, Room 208
Duluth, MN 55802
Phone: 218-730-5325
cfroseth@duluthmn.gov

The *EQB Monitor* is a biweekly publication of the Environmental Quality Board that lists descriptions and deadlines for Environmental Assessment Worksheets, Environmental Impact Statements, and other notices. The *EQB Monitor* is posted on the Environmental Quality board home page at <http://www.eqb.state.mn.us/>.

Upon request, the *EQB Monitor* will be made available in an alternative format, such as Braille, large print, or audio tape. For TTY, contact Minnesota Relay Service at 800-627-3529 and ask for Department of Administration. For information on the *EQB Monitor*, contact:

Minnesota Environmental Quality Board
520 Lafayette Road – 4th Floor
St. Paul, MN 55155-4194
Phone: 651-757-2873
Fax: 651-297-2343
<http://www.eqb.state.mn.us>

Project Title: The Old Barn Resort campground expansion

Project Description: The Old Barn Resort is an established destination providing camping, hostel, restaurant, golf and recreation nestled in the heart of Bluff country in SE Minnesota adjacent to the Root River State Trail and Root River. The proposal will increase the size of the existing campground by 108 campsites.

RGU: Fillmore County

Contact person: Chris Graves
Administrator
101 Fillmore Street
Preston, MN 55965
Phone: 507-765-3325
Fax: 507-765-2803
cgraves@co.fillmore.mn.us

Project Title: Southern Minnesota Construction Dundas Washplant

Project Description: Oldcastle Materials (OMG) Midwest dba Southern Minnesota Construction (SMC) proposes continuation of the SMC Dundas Washplant and expansion of sand and gravel mining on approximately 115 additional acres in Section 32, Bridgewater Township, Rice County, Minnesota. Reclamation of the site will include grasslands, wetlands, and lakes.

RGU: Bridgewater Township

Contact Person: Jim Braun
Planning & Zoning Administrator
Bridgewater Township
2428 115th Ave
Princeton, MN 55371-6200
Phone: 800-851-3383
jbrown@northlc.com

PETITIONS FILED

The following petitions have been filed with the EQB requesting preparation of an EAW. The EQB has assigned the indicated unit of government to review the petition and decide on the need for an EAW.

- Mower County, Leonard A. Grant, L&A Pork Inc. in Udolpho Township

ENVIRONMENTAL ASSESSMENT AVAILABLE

Project Title: Northern Lights Express High Speed Passenger Rail Project from Minneapolis to Duluth, Minnesota Tier 1 Service Level Environmental Assessment

Project Description: The proposed project includes constructing the necessary infrastructure for, and operation of, an approximately 155-mile long, high-speed intercity passenger rail service between Minneapolis

and Duluth, Minnesota, a portion of which will travel through Douglas County in Wisconsin, and that will reach speeds of at least 110 miles per hour. The EA documents the purpose and need of the project along with the anticipated service-wide social, economic, and environmental impacts. The EA sets the foundation for subsequent Tier 2 Project Level EAs to be completed as additional design details are developed.

Copies of the EA, which documents the purpose and need of the project, along with the anticipated social, economic, and environmental impacts, are available for public review beginning **March 18, 2013**, at the following locations:

- On the MnDOT website at <http://www.mndot.gov/nlx>
- MnDOT Transportation Building, 395 John Ireland Boulevard, Saint Paul, MN 55155-1800
- Cambridge Public Library, 244 South Birch Street, Cambridge, MN 55008
- Coon Rapids Crooked Lake Branch Library, 11440 Crooked Lake Boulevard NW, Coon Rapids, MN 55433
- Duluth Public Library, 520 W Superior Street, Duluth, MN 55802
- Hinckley Public Library, 106 First Street SE, Hinckley, MN 55037
- Minneapolis Central Library, 300 Nicollet Mall, Minneapolis, MN 55401
- Sandstone Public Library, 119 North Fourth Street, Sandstone, MN 55072
- Superior Public Library, 1530 Tower Avenue, Superior, WI 54880
- Anoka County Courthouse, 325 East Main Street, Anoka, MN 55303
- Carlton County Courthouse, 301 Walnut Street, Carlton, MN 55718
- Douglas County Courthouse, 1313 Belknap Street, Room 309, Superior, WI 54880
- Hennepin County Courthouse, 300 South 6th Street, Minneapolis, MN 55487
- Isanti County Courthouse, 555 18th Avenue SW, Cambridge, MN 55008
- Kanabec County Courthouse, 18 North Vine Street, Suite 318, Mora, MN 55051
- Pine County Courthouse, 635 Northridge Drive NW, Pine City, MN 55063
- St. Louis County Courthouse – Duluth, 100 North 5th Avenue W, Duluth, MN 55802

To afford an opportunity for all interested persons, agencies and groups to comment on the EA, a public hearing / open house meeting has been scheduled for April 4, 2013, from 6:00 p.m. to 8:00 p.m. at Cambridge Armed Forces Reserve Community Center, 505 Spirit River Drive, Cambridge, Minnesota. Individuals with a disability who need a reasonable accommodation to participate in the public meeting, please contact the MnDOT Project Manager or the Minnesota Relay Service at the telephone numbers listed below.

The EA can be made available in alternative formats by contacting the Affirmative Action Office at 651-366-4723 or 1-800-657-3774 (Greater Minnesota); 711 or 1-800-627-3529 (Minnesota Relay).

Copies of the EA are being distributed to agencies on the current MEQB list and others. The comment period will begin on **March 18, 2013**. Comments will be accepted through **April 17, 2013**, at the MnDOT website at <http://www.mndot.gov/nlx> or in writing to the MnDOT Project Manager listed below.

RGU: Minnesota Department of Transportation

Contact Person: Julie Carr, Project Manager
Minnesota Department of Transportation
395 John Ireland Boulevard
Saint Paul, MN 55155-1800
Phone: 651-366-3198

ALTERNATIVE URBAN AREAWIDE REVIEW UPDATE AVAILABLE

Comment Deadline: April 1, 2013

Project Title: Northeast Industrial Service Area AUAR Update

Project Description: The city of Mankato is updating the Northeast Industrial Service Area AUAR located in the northeast quadrant of US Hwy 14 and TH 22. This site has seen development which has been within the review assumptions and mitigation of the original AUAR completed in 2005. The area includes approximately 750 acres and 4,470,000 square feet of new building area and the required public infrastructure extensions including water, sanitary sewer, roads and stormwater systems.

Minn. R. § 4410.3610, subp 7 indicates that state agencies have ten (10) working days from the receipt of the AUAR update to file an objection to the updated analysis. Any objections should be sent to the contact person below:

RGU: City of Mankato

Contact Person: Paul Vogel
Community Development Director
City of Mankato
PO Box 3368
Mankato, MN 56002-3368
507-387-8613
pvogel@city.mankato.mn.us

ALTERNATIVE URBAN AREAWIDE REVIEW UPDATE ADOPTED

Project Title: Oxbow Commons/610 Crossings

Project Description: On May 13, 2002, the Brooklyn Park City Council approved Resolution #2002-141 approving the Alternative Urban Areawide Review (AUAR) for Oxbow Commons/Muir Park Village/97th Avenue. In 2008 and 2011, updates to the original AUAR were prepared and subsequently approved. On January 14, 2013, another update of the AUAR was available for public comment for three additional development scenarios. On February 25, 2013, the Brooklyn Park City Council approved Resolution #2013-31 approving the AUAR.

The Final AUAR can be found here:

<http://citysearch.brooklynpark.org/website/comdev/Planning/610crossingAUAR.pdf>

RGU: City of Brooklyn Park

EIS NEED DECISIONS

The noted responsible governmental unit has determined the following project does not require preparation of an EIS. The dates given are, respectively, the date of the determination and the date the EAW notice was published in the *EQB Monitor*.

- Minnesota Department of Transportation, Trunk Highway 169 – Elk River to Zimmerman, Sherburne County, February 1, 2013 (November 1, 2010)

NOTICES

NOTIFICATION OF RELEASES OF GENETICALLY ENGINEERED ORGANISMS

File Number	Company	Crop	Project	County
13-NO-037	Dow AgroSciences	soybean	Insect resistant, Herbicide tolerant	Renville(2)
13-NO-038	Dow AgroSciences	corn	Herbicide tolerant, Insect resistant	Brown(2), Fillmore, Houston
13-NO-039	Dow AgroSciences	corn	Herbicide tolerant, Agronomic properties	Brown(2), Fillmore, Houston
13-NO-040	Dow AgroSciences	corn	Herbicide tolerant	Becker, Cottonwood, Kandiyohi, McLeod, Otter Tail, Pope, Renville(3), Sibley(2), Stearns(2), Watanwon, Wilkin
13-NO-041	Dow AgroSciences	corn	Herbicide tolerant	Benton, Blue Earth, Clay, Faribault, Goodhue, Le Sueur, Pope, Redwood(4), Rice, Sherburne, Stearns,
13-NO-042	Dow AgroSciences	corn	Herbicide tolerant	Brown, Dakota(2), Fillmore(3), Freeborn, McLeod, Olmsted(2), Sibley, Waseca, Winona
13-NO-043	Bayer CropScience	soybean	nematode resistant, Herbicide tolerant	Becker (2), Clay
13-NO-044	University of Minnesota	wheat	Fungal disease resistant	Dakota
13-NO-045	Syngenta	corn	Insect resistant, Agronomic properties	Dakota, Faribault, Goodhue, Mower(2), Rice, Waseca
13-NO-046	Syngenta	corn	Herbicide tolerant	Dakota, Faribault, Goodhue, Mower(2), Rice, Waseca
13-NO-047	Dow AgroSciences	soybean	Insect resistant, Herbicide tolerant	Fillmore
13-NO-048	Dow AgroSciences	corn	Herbicide tolerant, Insect resistant	Brown(2), Fillmore, Houston

File Number	Company	Crop	Project	County
13-NO-049	Bayer CropScience	soybean	Herbicide tolerant	Becker(2), Big Stone, Clay(2), Le Sueur, Olmsted, Otter Tail, Polk(3), Swift,
13-NO-050	Monsanto	corn	Herbicide tolerant, Insect resistant	Brown(2), Fillmore
13-NO-051	Syngenta	corn	Herbicide tolerant	Freeborn(6)
13-NO-052	Bayer CropScience	soybean	Herbicide tolerant	Becker(2), Big Stone, Clay, Le Sueur, Otter Tail, Swift

For more information contact Dr. Steve Malone, Minnesota Department of Agriculture, 625 Robert St N., St. Paul, MN 55155, 651-201-66531, stephen.malone@state.mn.us